IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.265 OF 2005
IN
C.A.NO. 3697 OF 2005
IN
F.A.ST.NO.19138 OF 2005
IN
BCCC S.C.SUIT NO.1747 OF 2001

Bochanvashi Shree Akshar
Purshottam Sanstha ..Appellant

Vs.

Shakti Jaising Rane
and Ors. ..Respondents

....
Mr.A.S.Khandeparkar with Ms. Sonal Gokhale
i/b M/s.Akshar Law for Appellant
Mr.K.K.Tated A.G.P. for State
....

CORAM: DR.S.RADHAKRISHNAN AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : DECEMBER 13,2005

P.C.

1. Heard the learned counsel for the Appellant and the Respondent. By this Appeal, the Appellant has challenged the order dated 14.9.2005 passed by the learned Single Judge in Civil Application No.3697 of 2005 taken out in First Appeal Stamp No.19138 of 2005. The aforesaid Civil Application was taken out by the Appellant before the learned Single Judge in the First Appeal for condonation of delay of 677 days in filing the First Appeal. The

learned Single Judge by a detailed order, found that the Appellant has been reckless and negligent and that there was absolutely no explanation much less reasonable or satisfactory explanation, hence, the learned Single Judge has refused to exercise the discretion to condone the said delay.

2. In any event, in view of Section 100-A of C.P.C. and also in view of the aforesaid observations of the learned Single Judge with which we find no error whatsoever, we are not inclined to entertain the present Appeal, hence the Appeal stands dismissed.

[DR.S.RADHAKRISHNAN, J.]

[SMT.V.K.TAHILRAMANI,J.]